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OFFICE OF PETITIONS

In re Application of
Miller, et al.
Application No. 10/711,126
Filed: August 25, 2004
Attorney Docket No. SIFT0305-01

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DECISION ON PETITION

This is a decision on the paper filed November 9, 2004, which is being treated as a request that the "Notice of Omitted Item(s) in a Nonprovisional Application" mailed September 29, 2004 be withdrawn.

The petition is **DISMISSED**.

Petitioner is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration Under 37 CFR 1.182," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The application was filed on August 25, 2004. However, on September 29, 2004, the Initial Patent Examination Division mailed a "Notice of Omitted Item(s) in a Nonprovisional Application". The Notice informed applicant that the application had been accorded a filing date. However, Figures 7b and 7C as described in the specification appeared to have been omitted.

In response, inventor Harry Funk filed the present petition. Petitioner explains that Figures 7B and 7C were in fact missing on August 25, 2004 - more specifically, the specification erroneously contained a reference to these Figures. Applicant has submitted a substitute specification removing the reference to Figures 7B and 7C.

37 CFR 1.33 states that papers filed in a patent application must be signed by:

- (1) A registered attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

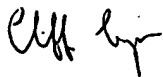
Office records do not indicate that Harry Funk is an agent or attorney registered to practice before the Patent and Trademark Office.¹ In addition, Office records do not indicate that the assignee, SIFT, LLC., has taken action pursuant to § 3.71. The enclosed "Statement Under 37 CFR 3.73(b)" form should be completed by the assignee and returned on renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (703) 872-9306
 Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

Enc: PTO/SB/96 (1 page)

¹ A transmittal letter submitted with the filing of the application indicates that Harry Funk has a "registered number" of 37198. As Mr. Funk is not registered as an agent or attorney before the Office, Mr. Funk does not possess a registration number. Assignee SIFT, LLC. is, however, associated with **customer number** 37198.